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1	EDMUND G. BROWN JR., Attorney General of the State of California
2	GLORIA A. BARRIOS
3	Supervising Deputy Attorney General MICHEL W. VALENTINE, State Bar No. 153078
4	Deputy Attorney General 300 So. Spring Street, Suite 1702
5	Los Angeles, CA 90013 Telephone: (213) 897-1034
6	Façsimile: (213) 897-2804
7	Attorneys for Complainant
8	BEFORE THE BOARD OF REGISTERED NURSING
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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11	In the Matter of the Accusation Against: Case No. 2009-91
12	MARTHA A. JASIN 6075 Pickford Place ACCUSATION
13	Los Angeles, CA 90035
14	Registered Nurse License No. 672481
15	Respondent.
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17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20	solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21	Department of Consumer Affairs.
22	2. On or about January 26, 2006, the Board of Registered Nursing (Board)
23	issued Registered Nurse License No. 672481 to Martha A. Jasin (Respondent). The Registered
24	Nurse License was in full force and effect at all times relevant to the charges brought herein and
25	will expire on June 30, 2009, unless renewed.
26	<u>JURISDICTION</u>
27	3. This Accusation is brought before the Board, under the authority of the
28	following laws. All section references are to the Business and Professions Code unless otherwise

STATUTORY PROVISIONS

- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
 - 5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it."
 - 6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.
- "(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her

license."

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Section 2764 of the Code provides, in pertinent part, that the expiration of 7. a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

COST RECOVERY

Section 125.3 of the Code provides, in pertinent part, that the Board may 8. request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

9. **CONTROLLED SUBSTANCES**

"Cocaine," is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(6) and is categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Use of a Controlled Substance or Alcoholic Beverage)

Respondent's license is subject to disciplinary action under section 2761, 10. subdivision (a), as defined in section 2762, subdivision (b), in that on or about May 11, 2006, Respondent was transported via ambulance and admitted to the Olive View Psychiatric Emergency Room, in Sylmar CA, after being found sitting on the curb in front of the sheriff's station requesting help. Respondent was under the influence of alcohol and emotionally upset. Respondent admitted to having a drinking problem and to having drinks prior to going to work as a travel nurse. Respondent was abusing alcohol because "life was too stressful and anxiety producing." As a result, Respondent was held for 72 hours for a psychiatric evaluation, pursuant to Welfare and Institutions Code section 5150, and determined to be a danger to herself and others.

SECOND CAUSE FOR DISCIPLINE

(Violating Provisions of the Nursing Practice Act)

11. Respondent's license is subject to disciplinary action under section 2761, subdivision (d) of the Code, in that while employed as a travel nurse, Respondent violated the Provisions of the Nursing Practice Act. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 10 and 11, inclusive, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- 1. Revoking or suspending Registered Nurse License No. 672481, issued to Respondent.
- 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

Executive Officer

State of California

Complainant

Board of Registered Nursing

Department of Consumer Affairs

3. Taking such other and further action as deemed necessary and proper.

DATED: 10/15/08

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